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Wednesday 26 October 2016

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Mercredi 26 octobre 2016

Standing Committee on General Government

Committee business

Comité permanent des affaires gouvernementales

Travaux du comité



Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
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STANDING COMMITTEE ON
GENERAL GOVERNMENT

Wednesday 26 October 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Mercredi 26 octobre 2016

The committee met at 1604 in committee room 151.

COMMITTEE BUSINESS

The Vice-Chair (Mr. Lou Rinaldi): I call the meeting to order. With the help of the Clerk here, we'll go through this. I believe that we had an amendment to a motion that was called. The first order today is to vote on the amendment from Mr. Hillier.

Mr. Randy Hillier: Should we refresh people's memory about what the amendment is?

The Vice-Chair (Mr. Lou Rinaldi): If you would like to.

Mr. Randy Hillier: Thank you, Chair. Just to refresh people's memory, the amendment that is to be voted on is:

"I move that the following be added to paragraph 4:

"and that the Chief Electoral Officer be invited and provided up to two hours for his presentation and questions by committee members'."

The Vice-Chair (Mr. Lou Rinaldi): I believe that there was a request for a recorded vote?

Mr. Randy Hillier: That's correct.

The Vice-Chair (Mr. Lou Rinaldi): All right.

Ayes

Fife, Hillier, McDonell.

Nays

Berardinetti, Colle, Hoggarth, Martins.

The Vice-Chair (Mr. Lou Rinaldi): All right. Then we'll go back to the organizational meeting.

Mr. Lorenzo Berardinetti: Mr. Chair?

The Vice-Chair (Mr. Lou Rinaldi): Yes?

Mr. Lorenzo Berardinetti: Mr. Baker is not here yet.

The Vice-Chair (Mr. Lou Rinaldi): Mr. Baker won't be here.

Mr. Lorenzo Berardinetti: I'll move the original organizational motion.

The Vice-Chair (Mr. Lou Rinaldi): Great. Do we need to read it into the record?

Mr. Randy Hillier: No, it's already on the table.

The Vice-Chair (Mr. Lou Rinaldi): It's already on the table?

Ms. Ann Hoggarth: Yes, we just have to vote on it.

The Vice-Chair (Mr. Lou Rinaldi): Okay. So—

Mr. Randy Hillier: "Any discussion"?

The Vice-Chair (Mr. Lou Rinaldi): Thank you. Any discussion?

Mr. Randy Hillier: Yes, sir.

Ms. Catherine Fife: Yes.

The Vice-Chair (Mr. Lou Rinaldi): Ms. Fife—or Mr. Hillier. Make up your mind.

Mr. Randy Hillier: Thank you, Mr. Chair. Listen, I want to put on the record that, this morning, we received a technical briefing and the precise language for the amendments that had been alluded to for the past month and a half. I want to thank the Attorney General for providing those amendments after, I believe, six or seven weeks of requests for them. That was much appreciated. I'm glad that we received them. It will give us time to review them and have a better idea on where this bill is going.

I do want also, while I'm throwing out bouquets to the minister—

The Vice-Chair (Mr. Lou Rinaldi): I can't believe this.

Laughter.

Mr. Randy Hillier: I do want to say that, on Monday past, during committee, we spent four hours requesting clarification and requesting the amendments. Our four hours of questioning by all members of the opposition was met with complete silence and no engagement by the Liberal members on the committee. It was a sorrowful display of responsibility, in my view.

I do put forth my expectation and my hope that all committee members will be engaged fully, when we get to the deputations that are laid out in the organizing motion that's in front of us, and that we're not met with such an abrogation of responsibilities and that this committee can once again work in a non-partisan fashion to develop a thoughtful, intelligent and well-reasoned bill with respect to election financing reform in this province.

The Vice-Chair (Mr. Lou Rinaldi): Thank you, Mr. Hillier.

Ms. Fife.

Ms. Catherine Fife: Thank you very much, Chair. I do have an amendment to the motion that was moved by Mr. Baker on Monday. It primarily has to do with timelines. I would like to read it into the record, please.

(1) Under bullet number 1, change "Monday, October 31, and Wednesday, November 2" to "Wednesday, November 2, and Monday, November 14";

(2) Under bullet number 3, delete text and replace with the following: “Deadline for witnesses to appear shall be Monday, October 31, at noon. In the event of over-subscription, the subcommittee member or her/his designate will submit a prioritized list to the Clerk of the Committee by noon on Tuesday, November 1.”

(3) Under bullet number 5, change “5 p.m. on November 2, 2016” to “6 p.m. on November 14, 2016.”

(4) Under bullet number 6, change “10 a.m.” to “4 p.m.” and “November 9” to “November 16.”

(5) Under bullet number 7, change “November 14” to “November 21” and “November 16” to “November 23.”

I have a copy here for the Clerk, and I believe if we just take a short recess, it won’t take long to photocopy.

The Vice-Chair (Mr. Lou Rinaldi): We’ll take a five-minute recess to copy this and then we can look at it.

The committee recessed from 1610 to 1615.

The Vice-Chair (Mr. Lou Rinaldi): I call the meeting back to order. Everybody has the amendment before them. Any discussion? Ms. Fife?

Ms. Catherine Fife: Thanks for the indulgence of the committee. You can tell from this amendment to the original amendment put forward by the government that I am simply pushing the dates, in some instances, just a couple of days ahead. We spent all of Monday debating why we did not have the amendments to Bill 2; thus, we lost a couple of days in the process.

I’ve taken this back to the caucus. Now that we have the amendments—we just received the briefing this morning at 9:30. It was a half-hour briefing. We’re happy, of course, to have the amendments, but there are still so many outstanding questions about this.

I think if the government, as they did put in their press release originally, is interested in working collaboratively in partnership with the opposition parties, just bumping up the consultation process to give the general public and those who are extremely interested in these changes—especially the way that political parties will now be funded, through riding associations and banning MPPs from attending fundraisers; but of course, not their chiefs of staff or their key people in their political parties. For us, I must tell you, Mr. Chair, while we are welcoming the fact that we have the amendments, there are many outstanding questions about how money is now going to be collected for political activities in the province.

Truly, the first part of the amendments speak to, essentially, a bait and switch. This is removing politicians from the fundraiser but really empowering all of the other “political actors,” as the Premier says, and staffers, in a very undemocratic way. We would appreciate the time to fully articulate these concerns going forward.

Also, we feel very strongly that there are people, once they learn what is contained—especially in the first amendment to Bill 2, although I’m pretty sure that there will be serious concerns about the second part—when you look under “Saving” in the first amendment, under 23.1(2)(b): “soliciting contributions by mail, telephone, electric communication or other means.” That really just

opens up fundraising in a completely different way for politicians in the province of Ontario. I would remind the committee that this is not the solution to the problem that we identified. The problem that we identified at the very onset was addressing cash-for-access—big cash for, apparently, very big access. The cash amounts may be less but the access is now opened in the side, back and cellar doors.

Really, we think that it would be in the best interests of the work that we’ve set out to do to allow some additional time—these are basic democratic improvements—just to increase the amount of time that people would have to register as a delegation for this committee. Certainly that would be a sign to us that the government is serious about engaging in a really open and transparent manner.

The Vice-Chair (Mr. Lou Rinaldi): Mr. Hillier.

Mr. Randy Hillier: That surprises me. I would have thought that somebody from the Liberal side would have wanted to speak to this amendment.

Mr. Jim McDonell: You know, I—

The Vice-Chair (Mr. Lou Rinaldi): Oh, sorry. Mr. Hillier had his hand up first.

Mr. Randy Hillier: We’ll be supporting the NDP amendment to the motion. I think it’s clear that we did lose a day on Monday because of the unwillingness of the Liberal members to be engaged and the inability to produce the amendments earlier. So I think it is a reasonable step to shift the days somewhat on the motion before us to take into consideration those lost days.

1620

I’ll just say this as well, in support of the NDP comments to this amendment: These amendments do raise further questions. I think it would have been appropriate for the Chief Electoral Officer to be present in the committee to give the committee members technical and expert guidance on the amendments that have been tabled.

I am hoping, even though the amendment to provide the Chief Electoral Officer two hours was rejected—just for all committee members’ knowledge, we had Greg Essensa, the Chief Electoral Officer, sit in on all the committee hearings through the summer. I would hope that that invitation would be extended to the Chief Electoral Officer, that he would be present to be able to give the committee members expert and technical guidance during our deliberations on these amendments. So I’ll put that out, not as a motion, but I will make that as a formal request through the committee, that he be present.

We got the amendments this morning. They are significantly different than what we were expecting. We were expecting amendments on a code of conduct as well. That had been talked about by the minister. The minister also, in the debate on Bill 2 on September 21, relayed and telegraphed that the amendment would also include ministerial chiefs of staff to be prohibited from attending fundraisers, but that is not in the amendment. So there are a number of discrepancies between what the amendment is and what was telegraphed during the debate on Bill 2.

Maybe I'll also put it forth now for the committee members to consider, and I'll ask formally after, that the Attorney General be made available for the committee after we get the schedule set.

The Vice-Chair (Mr. Lou Rinaldi): Mr. McDonell.

Mr. Jim McDonell: I'd like to agree with this motion. I think that we have reasonably asked for these amendments that have been talked about since the first week of September. It really made going to the next step impossible. As we see, they're more significant. They're different than what was promised.

To ask for an extra sessional day of this committee is very minor. We're rushing through this thing. They talk about these monumental changes to the electoral system, and yet it appears almost like the government is trying to keep them quiet by not letting anybody—outside groups—a significant time to come in and consider some of the arguments for or against.

We just heard that the Liberal members were against hearing from the Chief Electoral Officer, who is an independent officer of the Legislature who has been chosen by all parties, who followed the committees this summer, and staff that went to the trouble of being at—I'm not sure how many meetings, but I'm going to say somewhere around 20 meetings during the summertime. Now that we have these significant amendments, he's not allowed to be heard from. I think that's a mistake. I just wonder: Is the government trying to corrupt some information here, or what are they afraid of? I think it's something that is just hard to explain.

We certainly will be supporting this motion and think it's fair. We're not looking at any unrealistic delays here. We're talking about, at the end of the day, that it gets delayed one sessional day, from the Wednesday over to the Monday, which is not a big deal.

The Vice-Chair (Mr. Lou Rinaldi): Any further discussion? Seeing none, then I will call for the vote.

Mr. Randy Hillier: Recorded vote.

The Vice-Chair (Mr. Lou Rinaldi): A recorded vote of Ms. Fife's amendment.

Ayes

Fife, Hillier, McDonell.

Nays

Berardinetti, Colle, Hoggarth, Martins, Milczyn.

The Vice-Chair (Mr. Lou Rinaldi): The vote is lost. Ms. Fife.

Ms. Catherine Fife: I do have another amendment that relates to paragraph 4 of the original motion moved by the government.

I move that the following be added to paragraph 4:

"and that the Chief Electoral Officer be invited and provided up to one hour for his presentation and questions by committee members."

The Vice-Chair (Mr. Lou Rinaldi): We'll take another five-minute recess to get a copy of the motion.

The committee recessed from 1626 to 1634.

The Vice-Chair (Mr. Lou Rinaldi): I call the meeting back to order. You have the amendment from Ms. Fife. Any further discussion?

Ms. Catherine Fife: Thank you, Chair. You can see from this amendment to the original amendment—I know the government side was not amenable to having the Chief Electoral Officer come for two hours. I've reduced it to one hour.

Now that we have the amendments, I would think that the government side of the House may want to hear from the Chief Electoral Officer. There are components of the amendments that we received in our briefing this morning which will directly impact the Chief Electoral Officer. One small example, which may be a big example, is under "Fundraising events," 23(1), under "Income to be reported." It reads:

"(2) The gross income from any fundraising event shall be recorded and reported to the Chief Electoral Officer by the chief financial officer of the party, constituency association, nomination contestant, candidate or leadership contestant registered under this act that held the event or on whose behalf the event was held."

We learned this morning that if—as an example, the Attorney General mentioned that he has an annual barbecue and he just charges the at-cost amount. Some of us do this. When I have my spaghetti fundraiser, it's more of a friend-raiser. I don't really make a lot of money. It's just about bringing people in and having conversations with them. It's also a good way to support my local Legion.

Interjections.

Ms. Catherine Fife: Excuse me, do you have something to say?

Mrs. Cristina Martins: No.

Ms. Catherine Fife: This morning we learned that if there's excess money—so if someone maybe doesn't eat as much spaghetti or as many meatballs or have as many drinks, that excess money now goes to the Chief Electoral Officer. I joked in the committee this morning; I said, "Well, is this going to help his office fundraise for all of the extra duties he has because of these amendments?"

The Chief Electoral Officer's role is going to be significantly changed. He's going to be monitoring all fundraising in the province of Ontario for all of these new categories, like leadership candidates, nomination candidates and what our constituency associations are going to be fundraising. I would think that the government side of the House would, in fact, want to hear what the Chief Electoral Officer has to say about this, around the staffing complement that may be needed to deal with these additional responsibilities.

I am particularly interested in knowing what the Chief Electoral Officer has to say about this serious loophole that's contained in this amendment around soliciting contributions by mail, telephone, electronic communication

or other means. It's true that, for instance, the finance minister will not have to have face-to-face meetings with people anymore, but he will have more time to go through his Rolodex and email and call, maybe Skype—who knows? These are things that I would like to hear from the Chief Electoral Officer going forward.

Under the "Saving" piece of the first amendment, where the whole premise is on cost recovery—because I think it was the intention of the government that we would still be able to have these events, but you have to admit that it's going to get pretty complicated when they can only be revenue-neutral. On that side of the House, they're not very good at keeping things revenue-neutral.

I'm asking that the Chief Electoral Officer come to this committee for one hour. I'm totally flexible on what that hour looks like: questions from the government side or the PC side or us. But I definitely want to hear from the Chief Electoral Officer because he has been part of this process the entire way. He travelled with us all summer. None of these amendments were part of the conversation that we are now having about Bill 2. This was dropped in via a media release to this committee in the middle of the summer as we were going through clause-by-clause. Clause number 5—

Mr. Randy Hillier: Lou did it.

Ms. Catherine Fife: Yes, Lou dropped the press release. I felt badly for you, Lou, because you had to read it into the House. It was unprecedented—no consultation whatsoever with the people of this province.

At the very least, at the minimum, why would the government side have anything to say against inviting the Chief Electoral Officer to come to this committee and speak to these two substantive amendments going forward?

The Vice-Chair (Mr. Lou Rinaldi): Mr. Hillier.

Mr. Randy Hillier: We will be supporting the third party's amendment. I think it's a very reasoned amendment for all of the reasons that Ms. Fife has put forward.

Everyone is aware that these are amendments that were not brought up during first reading. They do add significant scope to the bill. It would be incumbent upon committee members to hear the opinion of the Chief Electoral Officer on how they will be implemented and/or if there are any concerns from the Chief Electoral Officer.

1640

I think it's a reasonable amendment. It won't impact the schedule in any other fashion. It won't delay the bill getting back for third reading. It won't delay clause-by-clause. It won't delay anything else. I would dearly like to hear from some member of the government side of this committee, if they find that this amendment is reasonable and that it doesn't impact the schedule, that they would be supportive of it. Thank you.

The Vice-Chair (Mr. Lou Rinaldi): Mr. Milczyn?

Mr. Peter Z. Milezyn: Actually, what we would like to do is to start hearing from Ontarians on this bill and the amendments that are before this committee. We would like to move forward with the process people to

advertise the hearings, bring people in and hear from Ontarians what they think about this. We don't need any further delays in this process. We should be moving forward to get that advice, and once we've received that advice, then we can see what else we might want to do. We won't be supporting this amendment; we'd like to move on to hear from regular Ontarians.

The Vice-Chair (Mr. Lou Rinaldi): Mr. McDonell?

Mr. Jim McDonell: I'm somewhat surprised that I would hear that, because it certainly appears that you want to do anything else but.

This committee travelled the whole summer with a very clear bill in front of it. After the meetings were over, they introduced two amendments—well, I shouldn't say "introduced." They talked about introducing two monumental amendments that were going to rock the world here but wouldn't release them. So we sat here, just Monday, not knowing what they were. They released them this morning.

The Chief Electoral Officer, from my understanding, went around to all the meetings or had staff members at every meeting this summer because he was interested in hearing what's going on, and now we can't hear back his interpretation of the two amendments.

I think we also had an amendment from the third party on being reasonable with knocking this schedule back by one day of the committee, which would give people a little bit of a chance—since nobody saw these amendments until today—to review them and then decide if they wanted to come to this committee, which now is Monday. It doesn't make a lot of sense.

I guess the real question here is, what are you afraid of? We're not talking, as Mr. Hillier said, about any significant delays here—

Mr. Randy Hillier: No delay at all.

Mr. Jim McDonell: Yes—that would jeopardize getting this bill out before the end of November; we're just talking about hearing from somebody that the House considers enough of an expert that they pay him a very good salary. Obviously, the government is afraid to hear from him at any length that would be substantial and worried about, I guess, who might come forth. We're just asking for a few reasonable amendments, and I think we'll be supporting this.

It is, in their own words, a very large amendment. It's not what they said it was, of course. They didn't talk about—after getting caught having fundraisers with the chief of staff of the Premier for large amounts of money, as well as ministry staff. It's almost like they're trying to tell the people that they had a meeting out in the field and people were paying \$15,000 to show up or \$5,000 to show up for no other reason, but it just happens to be that the second-most-influential person in the province is there. They got caught. They promised that would be there, and now it's not there. Those are just the little things that we found out just a few hours ago.

We think it's proper that the people of the province have a chance to comment and improve upon the bill. I

mean, that's the whole idea. If that's the case—we certainly have a committee here that's not allowed to talk, so I don't know what's going to happen during the discussion, during the amendments. I don't know if they'll be allowed to ask questions either, but we'll see. I just think it's reasonable and there aren't any delays, why not? I haven't heard a why now.

The Vice-Chair (Mr. Lou Rinaldi): Ms. Fife?

Ms. Catherine Fife: I'm surprised to hear the government side say, "We want to hear from people." If you want to hear from people, you need to give people the opportunity, one, to learn about these amendments that we just learned about this morning, and two, you have to give them some time to register as a delegation. If you really did want to hear from people, then you would have supported the past motion, which would have at least given us a couple of extra times.

So you're expecting to hear from people on Monday. This is Wednesday. We just heard about the amendments this morning. They were just tabled in the House as we were having our briefing. So in the next—Thursday and Friday—there are two more days for people to register to come and appear before this committee, essentially, because the original motion that we've tried to get changed said, "That the committee hold public meetings on the bill in Toronto at Queen's Park on Monday, October 31...."—so next Monday and Wednesday, during our regular meeting times, and "first-come, first-served."

It's shocking that you're leaving so little time to actually reach out to people. When people do find out that these amendments really do not address the cash-for-access issue that they were enraged about—we did hear some very strong, powerful presentations over the summer. This is essentially just going to push fundraising underground, and I want to hear from the people about this. I would really have liked to have heard from the electoral officer in a substantive way for at least an hour—maybe not two hours, but at least an hour—and the government is not willing to do this.

We are once again witnessing first-hand the lack of openness, the lack of transparency, and really are just going through the motions on this. I'm disappointed that the tenor is already shutting down. If there was even an inkling of effort on the part of the government, then I would have some confidence that this is not just an exercise in looking like the government is doing something about fundraising, and clearly it is not.

The Vice-Chair (Mr. Lou Rinaldi): Any further discussion? Then I'll call for the vote.

Mr. Randy Hillier: Recorded vote.

Ayes

Fife, Hillier, McDonell.

Nays

Berardinetti, Colle, Hoggarth, Martins, Milczyn.

The Vice-Chair (Mr. Lou Rinaldi): The motion is lost.

Back to the original motion on the organizational chart on Bill 2. Any further discussion?

Mr. Randy Hillier: Yes.

The Vice-Chair (Mr. Lou Rinaldi): Mr. Hillier?

Mr. Randy Hillier: This is more of a procedural question which I'll pose to you, Chair, just for my understanding because I have not ever seen this happen before where amendments are tabled at this period of time. We know that the bill that has been reported to the committee does not include these amendments, so these amendments do not form part of the bill at the present time, correct?

The Vice-Chair (Mr. Lou Rinaldi): Correct.

Mr. Randy Hillier: So they don't actually exist procedurally at the present time? This might be a bit of an abstract question but it's an important one for me to understand. Committee deputants will be able to speak to these amendments during deputations?

The Vice-Chair (Mr. Lou Rinaldi): My understanding is that they were shared at the request of the opposition.

Mr. Randy Hillier: Yes.

The Vice-Chair (Mr. Lou Rinaldi): So you're probably right that they're not part of the bill.

Mr. Randy Hillier: They're not. But it won't be out of order for deputants to be speaking to these amendments, even though they're not included in the bill that was reported back to the committee?

The Vice-Chair (Mr. Lou Rinaldi): As the Clerk advises me, people could speak about anything related to this piece of legislation. They have been made public, so people have access to them.

Mr. Randy Hillier: Okay. These are little details. By the same token, then, because they're not part of the bill, they could also be withdrawn by the—it won't be until clause-by-clause that we actually view these as amendments.

The Vice-Chair (Mr. Lou Rinaldi): Correct.

Mr. Randy Hillier: Okay. Thank you.

The Vice-Chair (Mr. Lou Rinaldi): Ms. Fife. Did you have your hand up?

Ms. Catherine Fife: I was a little bit alarmed. I thought you were moving in the direction that had delegations, deputants, not being able to speak to the amendments. They have been tabled; they have been shared with the media. I think we have already done public consultation on Bill 2, but it's the amendments that are the primary interest to the people who will be coming next week, although those people certainly don't have a lot of time to plan to come here.

The Vice-Chair (Mr. Lou Rinaldi): Okay. Any further discussion?

Mr. Randy Hillier: Yes, Mr. Chair.

The Vice-Chair (Mr. Lou Rinaldi): Mr. Hillier.

Mr. Randy Hillier: I'm just putting this out. We have done in the past—and we haven't done it by way of amendment or by motion but just by agreement of committee members—that when the committee sits, if room

151 is not being used by another standing committee, that committee hearings on Bill 2 will sit in room 151. I'd like to just reiterate that and ensure that that is still the understanding by everyone.

The Vice-Chair (Mr. Lou Rinaldi): I'll refer that to the Clerk.

Interjection.

The Vice-Chair (Mr. Lou Rinaldi): We need to deal with the motion, because until the motion is passed—

Mr. Randy Hillier: Okay.

The Vice-Chair (Mr. Lou Rinaldi): Then we'll deal with the scheduling, and the Clerk is prepared to do that.

Mr. Randy Hillier: Sure. Okay.

The Vice-Chair (Mr. Lou Rinaldi): Any further discussion on the motion? Then I'm going to call for a vote.

Interjection.

The Vice-Chair (Mr. Lou Rinaldi): This. That was introduced last week.

Interjection.

The Vice-Chair (Mr. Lou Rinaldi): There are no amendments. We're dealing with the motion. All those in favour of the motion?

Mr. Mike Colle: Recorded vote.

The Vice-Chair (Mr. Lou Rinaldi): Recorded vote? Too late.

Interjections.

The Vice-Chair (Mr. Lou Rinaldi): All opposed?

Interjections.

The Vice-Chair (Mr. Lou Rinaldi): Okay. Excuse me.

Interjections.

The Vice-Chair (Mr. Lou Rinaldi): It's passed.

Interjections.

The Vice-Chair (Mr. Lou Rinaldi): All right. I deem this meeting adjourned.

The committee adjourned at 1653.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

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